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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BRENT SCHAFFER and TODD
CONSTRUCTION, INC., an Oregon
corporation,

Plaintiffs,

V

ASSOCIATION FOR SMALL,
CLOSELY HELD BUSINESSES, a
Delaware corporation; CRONIN
INSURANCE SERVICES, INC., a
California corporation; and KENNETH
FEHL.

Defendants.

Case No. C 13-00659 WHA

**JOINT STIPULATION TO DISMISS
DEFENDANT KENNETH FEHL WITHOUT
PREJUDICE**

WHEREAS, on March 11, 2013, Plaintiffs filed the First Amended Complaint in which Plaintiffs alleged, among other things, that Kenneth Fehl, was liable to Plaintiffs for negligence;

WHEREAS, on May 29, 2013, Mr. Fehl filed a motion to dismiss;

WHEREAS, Plaintiffs and Mr. Fehl wish to avoid further briefing on the issue;

WHEREAS, Mr. Fehl HAS not filed an answer or a motion for summary judgment.

WHEREAS, Plaintiffs and Mr. Fehl stipulate and agree that, pursuant to Rule 41(a)

Federal Rules of Civil Procedure, Mr. Fehl will be dismissed from this action without prejudice;

WHEREAS, through this stipulation, Plaintiffs do not concede any point Mr. Felt raised

1 in his motion to dismiss;

2 THEREFORE, Plaintiffs and Mr. Fehl hereby stipulate, through their counsel of record,
3 that Kenneth Fehl is dismissed from this action without prejudice.

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5 SUSSMAN SHANK LLP

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7 By /S/
8 Clifford S. Davidson

9 Attorneys for Plaintiffs Brent Schafer and Todd Construction, Inc
10 I hereby attest that I have on file all holographic signatures corresponding to any signatures
11 indicated by a conformed signature (/S/) within this e-filed document.

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13 By /S/
14 Kenneth Fehl, Esq.

15 Defendant, *pro se*

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 June 11, 2013.
19 Date

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Judge William Alsup
United States District Judge